

Analysis of Changes in the Fourth Amended Complaint from the Third Amended Complaint

The Fourth Amended Complaint has the same number of paragraphs as the Third Amended Complaint, and is almost identical thereto in content, except for the following changes, in compliance with prior orders of the Court, and the Order dated December 6, 2019 in particular:

1. The named Private Party Defendants, Rochel Herman, Aron Mandel and Aron Greenberg, listed in the Caption of the Third Amended Complaint have been eliminated as such from the Caption. Additionally, they are no longer listed in Section II of the Fourth Amended Complaint entitled “The Parties,” but merely as Non-Parties. Further, previously referred to as “Defendants ROCHEL H., MANDEL and GREENBERG,” jointly and severally, they are now referred to as simply “Non-Parties Rochel Herman, Mandel and Greenberg,” together or individually. *See* 3 below.
2. Counts 7 and 14 alleging a conspiracy between WIEBER and the Private parties under 42 U.S.C. § 1983 and under state law, respectively, have been eliminated. All other counts are left unchanged except that several reference to “Defendant ROCHEL H.” have been changed to simply “Rochel Herman.” *See* 3 below.
3. The allegations of Section V entitled “Factual Allegations” are virtually identical in both the Third and Fourth Amended Complaints except that all references to the Private Party Defendants as such, to a conspiracy or co-conspirators have been eliminated and/or replaced by appropriate language consistent with alleged police malfeasance or misconduct by Detective WIEBER to help Rochel Herman and her supporters Aron Mandel and Aron Greenberg in a State divorce action or in pending administrative ACS proceedings, rather than to stop real criminal violations of New York law.
4. The only real difference between the Third and Fourth Amended Complaints can be found in pars. 1-5 of the “Introduction” section which eliminates the naming of the Private Party Defendants as such and replaces the summary of the conspiracy theory described in the Third Amended Complaint with a summary of the police malfeasance or misconduct theory to help Rochel Herman and her supporters Aron Mandel and Aron Greenberg in a State divorce action or in pending administrative ACS proceedings. Thus, Plaintiff was falsely arrested three times by WIEBER, who also initiated two malicious prosecutions against him based on feigned violations of New York criminal law that WIEBER knew never occurred. The Factual Allegations in Section V of the 4th Amended Complaint, after the adjustments described in item 3 above, are entirely consistent with this summary description of the 4th Amended Complaint.

5. In response to the Defendants' expected Summary Judgment motion based on probable cause and qualified immunity, Defendant will produce the appropriate evidentiary materials cited in the 4th Amended Complaint which will confirm all of its factual allegations in order to defeat Defendant's motion, in Plaintiff's view.